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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,772	10/12/2005	Erik Gosuinus Petrus Schuijers	NL 030459	2201
24737 7590 01/29/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER PULLIAS, JESSE SCOTT				
ART UNIT 2626		PAPER NUMBER		
MAIL DATE 01/29/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/552,772

Applicant(s)

SCHUIJERS ET AL.

Examiner

JESSE S. PULLIAS

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-16 and 19-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jesse Pullias/
Examiner, Art Unit 2626

/Tāivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

Continuation of 11, does NOT place the application in condition for allowance because: In response to applicant's arguments on page 9 that "there is no disclosure or suggestion of "the input sub-band signals in a first frequency range of the wideband frequency range having a narrower frequency band than the input sub-band signals in a second frequency range of the wideband frequency range", the examiner respectfully disagrees. According to the applicant's analysis of Baumgarte on pages 9-10, signals are transformed into frequency sub-bands which have the same or similar frequency ranges, which results in a smaller number of sub-bands in the lower critical bands (which, by definition, have a relatively smaller bandwidth) and a larger number of sub bands in the higher critical bands (which by definition, have a relatively larger bandwidth). On page 10, the applicant alleges that "the subject limitation is concerned with the frequency ranges of the sub-bands". However, the claim in question, claim 1, recites in lines 7-10 "the input sub-band signals in a first frequency range of the wideband frequency range having a narrower frequency band than the input sub band signals in a second frequency range of the wideband frequency range", which does not require that each sub band bandwidth within a first frequency range has a narrower frequency band than each sub band bandwidth in a second frequency range. Rather the claim requires that "the input sub band signals in a first frequency range of the wideband frequency range having a narrower frequency band than the input sub band signals in a second frequency range of the wideband frequency range", which is taught by Baumgarte because the sub-bands within a lower critical band, taken together (hence the usage of critical bands) make up a frequency range having a narrower bandwidth than the sub-bands, taken together, that make up a higher critical band. As an illustrative example, let the frequency coefficients produced by a DFT represent 10 Hz frequency bins each and critical band 1 (CB1) is from 100-200 Hz and critical band 2 (CB2) is from 500-1000 Hz. Therefore CB1 is represented by 10 sub-bands and CB2 is represented by 50 sub bands, each of 10Hz bandwidth. It follows that the 10 sub bands in CB1, taken together have "a first frequency range (100-200Hz) of the wideband frequency range having a narrower frequency band (100Hz is narrower than 500Hz) than the input sub band signals in a second frequency range (500-1000Hz) of the wideband frequency range", i.e. the range of CB2 which is occupied by the 50 higher sub bands.

In response to applicant's arguments on page 10 that Baumgarte does not disclose or suggest deriving a first and a second processed sub-band signal by mixing a sub-band signal and a corresponding delayed sub-band signal", the examiner respectfully disagrees. As noted in the final rejection, in Col 7 lines 45-50 and Col 9 lines 48-51, Baumgarte teaches critical bands are delayed and mixed by weighting. Especially Col 9 lines 43-46, in which a delay offset d and a gain factor g are introduced for each sub-band. This clearly results in a first and second processed sub-band signal that is derived by mixing a sub-band signal and a corresponding delayed sub-band signal, especially because Baumgarte specifically mentions that each sub-band signal is weighted with weighting factors satisfying equation 7 on Col 7, and that each sub-band is delayed. .